

Message Text

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PAGE 01 LAGOS 04732 01 OF 02 150754Z

ACTION AF-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10

L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11

EB-08 AGRE-00 TRSE-00 OMB-01 AID-05 OPIC-03 /081 W

-----030424 151234Z /13

R 141422Z APR 78

FM AMEMBASSY LAGOS

TO SECSTATE WASHDC 7895

INFO AMCONSUL IBADAN

AMCONSUL KADUNA

C O N F I D E N T I A L SECTION 01 OF 02 LAGOS 4732

E.O. 11652: GDS

TAGS: PDEV, PINT, EINV, NI

SUBJECT: NEW LAND USE DECREE: THE POLITICAL REACTION

REF: LAGOS 4663

SUMMARY. THE NEW LAND DECREE (SUBSTANCE REPORTED REFTEL) HAS AROUSED CONSIDERABLE OPPOSITION IN THE WEST, WITH THE STRONGEST NEGATIVE RESPONSE COMING FROM TRADITIONAL RULERS. LESS VOCAL PUBLICLY, BUT APPARENTLY HURT, IS NIGERIA'S INCREASINGLY IMPORTANT MIDDLE CLASS, MANY OF WHOM HAVE BEEN GRADUALLY ACQUIRING SMALL PLOTS OF LAND FOR FUTURE DEVELOPMENT. THE DECREE HAS BEEN SUPPORTED BY MANY TRADE UNIONISTS, STUDENT GROUPS AND OTHERS. THE FMG HAS LAUNCHED A COUNTERATTACK IN SUPPORT OF THE DECREE. THE REAL POLITICAL IMPACT WILL BE DETERMINED BY HOW THE DECREE IS IMPLEMENTED. END SUMMARY.

1. THE VOCAL NEGATIVE REACTION TO THE NEW LAND DECREE AMONG TRADITIONAL RULERS THROUGHOUT THE FORMER WESTERN REGION AND IN LAGOS BEGAN ON APRIL 4 WHEN THE OBAS AND CHIEFS OF THE BADAGRY DIVISION OF LAGOS STATE ROUNDLY CONDEMNED THE GOVERNMENT'S ACTION. AT A
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PAGE 02 LAGOS 04732 01 OF 02 150754Z

PRESS CONFERENCE LED BY OBA GODWIN BABATUNDE AKRAN, THE AKRAN OF BADAGRY, THE TRADITIONAL RULERS DECLARED: "THE NEW DECREE, TO US, IS A STRONG WEAPON TO DISPERSE OUR PEOPLE, USURP OUR RIGHT OF OWNERSHIP OF OUR LANDED PROPERTY AND CHANGING OF OUR STATUS AS ORIGINAL OWNER--IF WE ARE LUCKY TO BE HOLDERS OR OCCUPIERS TO BE ISSUED WITH STATUTORY

OR CUSTOMARY RIGHT OF OCCUPANCY WITH CERTIFICATE OF OCCUPANCY TO USE THE LAND AS DICTATED BY THE STATE OR LOCAL GOVERNMENT.

"APART FROM PURE ECONOMIC ASPECTS, LAND IN NIGERIAN SOCIETY, AND IN PARTICULAR, IN BADAGRY DIVISION, HAS ALWAYS BEEN ENVELOPED IN MYSTIQUES WITH SUBSTANTIAL TRADITIONAL, RELIGIOUS AND SOCIAL CONCEPTS ASSOCIATED WITH IT WHICH ARE SO INEXTRICABLY INVOLVED WITH SOME OF THE VERY FUNDAMENTAL BASES OF NIGERIAN TRADITIONAL INSTITUTIONS, SUCH AS KINGSHIP (WHENOSHIP, AHOLUSHIP, OBASHIP) AND CHIEFTANCY AND THE WHOLE COMPLEX RANGE OF TRADITIONAL, SOCIAL...RELATIONSHIP, THAT LAND POLICY CANNOT BE CONCEIVED IN TERMS OF ECONOMIC FACTORS." THE TRADITIONAL RULERS APPEALED TO THE FMG TO ABROGATE THE DECREE. THE OBA OF LAGOS WEIGHED IN THE NEXT DAY WITH SIMILAR OBJECTIONS.

2. THE ATTACK AGAINST THE DECREE IN THE WEST CONTINUED ON APRIL 7 WHEN THE OBAS AND CHIEFS OF OYO STATE DECLARED IN A PRESS CONFERENCE THAT THE DECREE UNDERMINED THE VERY BASIS OF THE WAY OF LIFE IN YORUBALAND. ACTING AS THE SPOKESMAN, THE ONI OF IFE, OBA ADESOJI ADEREMI, DECLARED THAT CONTROL OF LAND WAS "SAFER IN THE HANDS OF OBAS AND CHIEFS IN THE STATE THAN IN THE HANDS OF FEDERAL OR STATE CONFIDENTIAL

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PAGE 03 LAGOS 04732 01 OF 02 150754Z

GOVERNMENTS". IN PARTICULAR:

- CHIEFTAINCY AND LAND OWNERSHIP BY PRIVATE FAMILIES IS A WAY OF LIFE IN YORUBALAND.
- THE OBAS AND CHIEFS HOLD COMMUNAL LANDS IN TRUST FOR THE COMMUNITY.
- TO PUT LAND UNDER THE CONTROL OF LOCAL GOVERNMENTS IS TO EXPOSE LAND TO POLITICAL PATRONAGE, ESPECIALLY PARTISAN POLITICIANS.

3. THE OLUBADAN (THE OBA OF IBADAN), OBA DANIEL AKINBIYI, HOWEVER, DID NOT ATTEND THE PRESS CONFERENCE AND SUBSEQUENTLY THREW HIS WEIGHT BEHIND THE NEW DECREE. HE URGED HIS PEOPLE TO THINK OF THE LONG TERM BENEFIT OF THE GOVERNMENT'S ACTION FOR THE MASSES. A SCATTERING OF OTHER TRADITIONAL RULERS IN THE SOUTH, FOR EXAMPLE, THE OTARU OF IGARRA, OKUO LUSE II, IN BENDEL STATE JOINED THE OLUBADAN IN SUPPORT OF THE DECREE.

4. THE NEW DECREE HAS RECEIVED SUBSTANTIAL SUPPORT FROM TRADE UNION LEADERS, STUDENT GROUPS, NIGERIAN SOCIALISTS AND IN VARIOUS NEWSPAPER COMMENTARIES. MALLAM BELLO

MOHAMMED, PRESIDENT OF THE NATIONAL UNION OF TEXTILE,
GARMENT AND TAILORING WORKERS OF NIGERIA, WELCOMED
THE NEW LAND POLICY AS A CHANCE FOR PEOPLE TO BUILD

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PAGE 01 LAGOS 04732 02 OF 02 150753Z
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-----030415 150813Z /13

R 141422Z APR 78
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C O N F I D E N T I A L SECTION 02 OF 02 LAGOS 4732

THEIR OWN HOUSES. THE MONEY WHICH THEY WOULD HAVE
USED TO BUY LAND COULD NOW BE USED TO BUILD HOUSES.
SIMILARLY, CONSTITUENT ASSEMBLY MEMBER DR. J.O.J. OKEZIE
DESCRIBED THE DECREE AS A MAJOR POLITICAL
REVOLUTION IN THE COUNTRY AND ADDED THAT THE
NATIONALIZATION OF OWNERSHIP OF LAND THROUGH EH
DECREE WAS THE BEDROCK OF SOCIALISM.

5. THE GOVERNMENT'S OWN COUNTERATTACK AGAINST
OPPONENTS OF THE DECREE HAS BEEN LED BY THE MILITARY
GOVERNOR OF OYO STATE, BRIGADIER DAVID JEMIBEWON.
IN A TELEVISION ADDRESS IN IBADAN, THE GOVERNOR
DECLARED, "IT HAS BEEN KNOWN IN THE PAST THAT OBAS
ABUSED THIS PRIVILEGE OF LAND ALLOCATION." HE ADDED
THAT "LAND BELONGS TO THE PEOPLE." JEMIBEWON SAID
THAT THE DECREE "WOULD HELP TO BUILD A UNITED NATION,
BECAUSE UNDER THE NEW DECREE ANY NIGERIAN COULD OWN
LAND IN ANY PART OF THE COUNTRY." JEMIBEWON THEN
BEGAN A TOUR OF OYO STATE IN AN EFFORT TO GAIN
SUPPORT FOR THE NEW POLICY.

6. COMMENT: THE INTENT OF THE DECREE IS FUNDAMENTALLY
ECONOMIC, HOWEVER, ITS IMPACT WILL UNAVOIDABLY BE
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PAGE 02 LAGOS 04732 02 OF 02 150753Z

TO SOME EXTENT POLITICAL. BROADLY SPEAKING, THE INITIAL POLITICAL IMPACT HAS BEEN ALMOST ENTIRELY CONFINED TO THE WEST BECAUSE OF THE NATURE OF LAND TENURE IN YORUBALAND. ITS IMPACT IN THE NORTH IS LIMITED BECAUSE THE EXISTING NORTHERN LAND TENURE SYSTEM ESSENTIALLY PARALLELS THE NEW DECREE WHILE IN IBOLAND THE PREDOMINANCE OF SMALL HOLDINGS WILL APPARENTLY LIMIT THE PRACTICAL EFFECT OF THE GOVERNMENT'S ACTION.

7. ONE MARK OF THE GROWING MIDDLE CLASS (NAIRA 10,000 TO 30,000 PER YEAR INCOME) HAS BEEN THE GRADUAL ACQUISITION OF URBAN AND RURAL LAND FOR LONG TERM DEVELOPMENT. AS WE UNDERSTAND THE DECREE, THOSE WHO WERE FORTUNATE ENOUGH TO HAVE ALREADY DEVELOPED THEIR HOLDINGS WILL BE ABLE TO RETAIN THEM. THOSE, HOWEVER, WHO HAVE NOT DEVELOPED THEIR PROPERTY WILL LOSE IT WITH NO COMPENSATION.

8. THE FMG IS NOW ENGAGED IN A SUBSTANTIAL EFFORT TO SELL THE DECREE IN THE WEST. FOR EXAMPLE, WE HAVE BEEN UNABLE TO SEE LAGOS STATE LOCAL GOVERNMENT AND CHIEFTANCY COMMISSIONER BALOGUN BECAUSE HE HAS BEEN ON THE ROAD MEETING WITH THE TRADITIONAL RULERS IN EACH STATE DISTRICT. HOWEVER, THE REAL POLITICAL IMPACT OF THE DECREE WILL NOT BE DETERMINED BY HOW MUCH TRADITIONAL RULERS IN THE WEST OPPOSE IT OR HOW

WELL THE FMG SELLS IT. RATHER, THE REAL TEST WILL BE HOW THE DECREE IS IMPLEMENTED. IF THE FMG REDUCES THE HARDSHIP AND CHAOS OF LAND CONTROL IN URBAN AREAS IN PARTICULAR, IT CAN ONLY REDOUND TO ITS CREDIT. HOWEVER, IF THE NEW SYSTEM ONLY PROVIDES ANOTHER

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PAGE 03 LAGOS 04732 02 OF 02 150753Z

ARENA FOR CORRUPTION AND FAVORITISM, THE FMG WILL HAVE SUCCEEDED IN ADDING YET ANOTHER PROBLEM TO THE GROWING LIST OF PROBLEMS CONTRIBUTING TO SOCIAL UNREST. IN THAT REGARD, WE HAVE ALREADY HEARD GRUMBLING THAT THE LAND LIMITATIONS IN URBAN AREAS APPARENTLY ONLY APPLY TO UNDEVELOPED AND NOT TO DEVELOPED LAND. THUS, THOSE WHO HAVE MADE IT ALREADY, BY IMPLICATION CERTAIN MEMBERS OF THE SMC, WILL BE ABLE TO KEEP WHAT THEY HAVE.

9. IN THE IMMEDIATE FUTURE THE DECREE MAY BECOME

AN ISSUE IN THE CONSTITUENT ASSEMBLY (CA). THE DECREE STATES THAT IT SHALL HAVE EFFECT "NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THE CONSTITUTION OF THE FEDERATION." AT THE SAME TIME, THE DRAFT CONSTITUTION IN ITS CHAPTER 4 ON FUNDAMENTAL RIGHTS CONDAINS STRON GUARANTEES ON THE RIGHT TO OWN PROPERTY AND THE RIGHT TO ADEQUATE COMPENSATION-- BOTH APPARENTLY DENIED BY THE DECREE. CHAPTER 4 IS THE NEXT ORDER OF BUSINESS FOR THE CA.

10. IN THE LONG RUN, THE DECREE, IF IT IS IMPLEMENTED, WILL FURTHER UNDERMINE THE ROLE OF TRADITIONAL RULERS IN THE WEST. WHOSE POWER AND WEALTH IS IN GREAT PART TIED TO CONTROL OF LAND. THE EFFECT OF THAT IS DIFFICULT TO ESTIMATE AT THIS TIME, BUT IN THE SHORT RUN IT WILL UNDOUBTEDLY BE THE SOURCE OF CONTINUED OPPOSITION TO THE DECREE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAND, NATIONALIZATION, PUBLIC ADMINISTRATION, PUBLIC ATTITUDES
Control Number: n/a
Copy: SINGLE
Draft Date: 14 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978LAGOS04732
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780162-0718
Format: TEL
From: LAGOS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780455/aaaabure.tel
Line Count: 242
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 02a101b0-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 LAGOS 4663
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2964092
Secure: OPEN
Status: NATIVE
Subject: NEW LAND USE DECREE: THE POLITICAL REACTION
TAGS: PDEV, PINT, EINV, NI
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/02a101b0-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014